



**THE ATTORNEY GENERAL
OF TEXAS**

AUSTIN 11, TEXAS

**XXXXXXXXXXXXX
ATTORNEY GENERAL**

Honorable Geo. H. Sheppard
Comptroller of Public Accounts
Austin, Texas

Dear Mr. Sheppard:

Opinion No. O-6322
Re: Expenses provided for under Article
2609, Revised Civil Statutes cannot
in any event be paid from the General
Maintenance and Contingent Expense
Appropriation made to the A.&M.
College.

Your letter of April 24, 1945, which is copied below, has
been given our careful consideration:

"Article 2609, R.C.S., 1925 provides:

"There shall be maintained and instructed
at said college annually free of charge to them three
students The Comptroller on proper vouchers being
filed in his office by the directors, is authorized to
draw his warrant on the State Treasurer against any appro-
priation made for such purpose.' Emphasis supplied.

"There is no specific appropriation now
available for such purpose unless the appropriation made
to the A. & M. College in the General Appropriation Bill
can be used for such purpose. The General Maintenance
Appropriation for A. & M. College for the biennium end-
ing August 31, 1945, reads as follows:

	For the Year 1943	For the Year 1945
"General maintenance, includ- ing supplies, material, labor, equipment, traveling and contingent expenses	\$108,030	\$103,030'

"I shall thank you to advise this department
whether or not expenses incurred under Article 2609 may
be paid from the General Maintenance and Contingent
Expense Appropriation made to the A. & M. College in the
biennial appropriation bill."

Under the specific provisions of said Article 2609, you are
not authorized to pay any of said expenses until and/or unless the Legisla-
ture has "Made for such purpose" a specific appropriation.

You state in your letter that no such appropriation has been made; that the only possible item from which it could be paid would be that for General Maintenance and Contingent Expense, etc. It is our opinion that this specific appropriation would not and does not authorize you to pay any expenses incurred by students, under the provisions of Article 2609.

We are not, of course, passing upon the constitutionality of said Article, or whether the Legislature could, if it desired, make such appropriation.

Very truly yours

ATTORNEY GENERAL OF TEXAS

By s/ Geo. W. Barcus
Geo. W. Barcus
Assistant

GWB-MR-wc

APPROVED MAY 3, 1945
s/ Carlos C. Ashley
FIRST ASSISTANT
ATTORNEY GENERAL

Approved Opinion Committee by s/BWB Chairman